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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,164	12/11/2003	John P. Williamson	A02165US (98570.4)	5952
22920	7590	10/18/2005	EXAMINER	
GARVEY SMITH NEHRBASS & DOODY, LLC THREE LAKEWAY CENTER 3838 NORTH CAUSEWAY BLVD., SUITE 3290 METAIRIE, LA 70002			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/733,164	WILLIAMSON, JOHN P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 12-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 7, 9-11, 18, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 22 are objected to because of the following informalities: Both claims recite "a plurality of accessory components that can be fitted to the tripod/s" it is unclear where these accessory components are located if the tripod/s is being fit into the cabinet and how these accessory components are structurally related to the tripod. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,8,12-17,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrand et al (5,580,155) and further in view of Eason et al (6,375,135) and further in view of Horn (2,736,627).

3. Hildebrand discloses the claimed invention except for the differently sized receptacles being a vertical receptacle and a tripod and accessory components, attachments to the cabinet to enable lifting the device. Hildebrand discloses a cabinet having an interior, an access panel (5) that can be opened and closed for enabling the user to access the interior when the panel is opened, the interior having a plurality of

receptacles and a plurality of smaller receptacles that are smaller in volume than the larger receptacles (fig 1), a plurality of electrical lighting units that are sized and shaped to be stored inside the cabinet (10), the access panel is pivotally mounted to the cabinet, at least some of the electrical lighting units are positioned in receptacles that are above one another (fig 1). Eason et al discloses a collapsible tripod. Horn discloses attachments on a cabinet that enable a selected lifting device to connect to the cabinet at the attachments for enabling a lifting device to elevate the cabinet, the attachment including lifting eyes (openings in bracket 20 that facilitate connecting means for lifting cabinet satisfy this limitation), Horn discloses weights (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of a collapsible tripod as the one taught by Eason for storage in the device of Hildebrand since Hildebrand provides for an illuminated cabinet that would provide illumination to the user when opening the cabinet to retrieve stored items such as the tripod of Eason. It would have been obvious to one of ordinary skill to further combine the Hildebrand and Eason with the cabinet support/lifting device of Horn since Horn teaches that lifting a cabinet from the floor is purposeful for preventing external elements from entering the cabinet and stored items in the cabinets.

- With regards to the receptacle of Hildebrand being at least one vertically extended tall receptacle that is about as tall as the cabinet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to size and shape the receptacle of Hildebrand in such a manner, since it has been held by the courts that a change in shape or configuration, without any criticality,

is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Hildebrand for accommodating a tripod sized and shaped to fit in the space provided. With regards to a plurality of accessory components that can be removably fitted to the tripod, Eason et al teaches non-electrical and non-lighting components removably fitted to the tripod including tripod feet.

- With regards to the accessory components including a plurality of wheels, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include wheels as accessory components for a tripod, since wheel attachments to facilitate movement of tripods are old and well known in the art (see Dunstan);

***Allowable Subject Matter***

4. Claim 22 is allowed.
5. Claims 7,9-11,18,20,21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art cited does not disclose in combination of elements as recited in claim 22 specifically the plurality of elements sized and shaped to be contained in the receptacles of the cabinet in combination with the size and shape of the interior of the

cabinet and the lifting attachments on the cabinet; wherein the attachments on the cabinet include one or more forklift tine sockets; the lighting units have generally conically shaped shrouds; the lighting units are explosion proof lighting fixtures; the lighting fixtures that are rated Class 1, Division 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisory Patent Examiner  
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AMT